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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **JENNIFER LYNN COX** 1525 Bridge Street, Apt. 110 Yuba City, California 95993 Registered Nurse License No. 650584 Respondent.	Case No. 2010-179 **ACCUSATION**

Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

2. On or about January 5, 2005, the Board issued Registered Nurse License Number 650584, to Jennifer Lynn Cox ("Respondent"). The license will expire on August 31, 2010, unless renewed.

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JURISDICTION

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

5. Code section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

6. Code section 2762 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do the following:

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

7. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in

a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

9. "Morphine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(M).

10. "Xanax," a brand of alprazolam, is a Schedule IV controlled substance as defined in Health and Safety Code section 11057(d)(1).

11. "Ativan," a brand of Lorazepam, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(13).

12. "Ambien," a brand name for Zolpidem, is a controlled substance as defined in Health and Safety Code section 11057(d).

13. "Demerol," a brand of meperidine hydrochloride, a derivative of pethidine, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(c)(17).

14. "Dilaudid," a brand of hydromorphone, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(K).

15. "Lortab" is a Schedule III controlled substance as designed by Health and Safety Code section 11056, subdivision (e)(4).

FIRST CAUSE FOR DISCIPLINE

(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)

16. Respondent is subject to discipline under Code section 2761(a), on the grounds of unprofessional conduct as defined in Code section 2762(e), in that between February 17, 2006, and April 5, 2006, while employed as a registered nurse at Emerald Health Services (registry), and on assignment at Memorial Medical Center, Modesto, California, Respondent falsified, made

grossly incorrect, grossly inconsistent or unintelligible entries in hospital or patient records in the following respects:

Patient A:

a. On or about March 8, 2006, at 0144 hours, Respondent signed out one (1) 7.5 mg. tablet of Lortab, but failed to account for the disposition of the Lortab in any hospital or patient record.

Patient B:

b. On or about March 29, 2006, at 0339 hours, Respondent signed out one (1) 50 mg. tubex of Demerol. At 0400 hours, Respondent charted the administration of 40 mg. of Demerol, but failed to account for the disposition of the remaining 10 mg. of Demerol in any hospital or patient record.

c. On or about March 29, 2006, at 2024 hours, Respondent signed out one (1) 50 mg. tubex of Demerol. At 2100 hours, Respondent charted the administration of 40 mg. of Demerol, but failed to account for the disposition of the remaining 10 mg. of Demerol in any hospital or patient record.

d. On or about March 29, 2006, at 2306 hours, Respondent signed out one (1) 50 mg. tubex of Demerol. At 2315 hours, Respondent charted the administration of 40 mg. of Demerol, but failed to account for the disposition of the remaining 10 mg. of Demerol in any hospital or patient record.

e. On or about March 30, 2006, at 0018 hours, Respondent signed out one (1) 50 mg. tubex of Demerol. At 0020 hours, Respondent charted the administration of 40 mg. of Demerol, but failed to account for the disposition of the remaining 10 mg. of Demerol in any hospital or patient record.

f. On or about March 30, 2006, at 0124 hours, Respondent signed out one (1) 50 mg. tubex of Demerol, but failed to account for the disposition of the Demerol in any hospital or patient record.

g. On or about March 30, 2006, at 0218 hours, Respondent signed out one (1) 50 mg. tubex of Demerol. At 0230 hours, Respondent charted the administration of 40 mg. of

Demerol, but failed to account for the disposition of the remaining 10 mg. of Demerol in any hospital or patient record.

h. On or about March 30, 2006, at 0443 hours, Respondent signed out one (1) 50 mg. tubex of Demerol. At 0450 hours, Respondent charted the administration of 40 mg. of Demerol, but failed to account for the disposition of the remaining 10 mg. of Demerol in any hospital or patient record.

i. On or about March 30, 2006, at 0553 hours, Respondent signed out one (1) 50 mg. tubex of Demerol. At 0600 hours, Respondent charted the administration of 40 mg. of Demerol, but failed to account for the disposition of the remaining 10 mg. of Demerol in any hospital or patient record.

Patient C:

j. On or about March 30, 2006, at 0604 hours, Respondent signed out two (2) 2 mg. tubex's of Dilaudid, but failed to account for the disposition of the Dilaudid in any hospital or patient record.

Patient D:

k. On or about April 4, 2006, at 1951 hours, Respondent signed out one (1) 7.5 mg. tablet of Lortab, but failed to account for the disposition of the Lortab in any hospital or patient record.

l. On or about April 5, 2006, at 0716 hours, Respondent signed out one (1) 4 mg. tubex of Morphine, but failed to account for the disposition of the Morphine in any hospital or patient record.

Patient E:

m. On or about March 29, 2006, at 0134 hours, Respondent signed out one (1) 5 mg. tablet of Ambien, but failed to account for the disposition of the Ambien in any hospital or patient record.

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Patient F:

n. On or about March 2, 2006, at 0222 hours, Respondent signed out one (1) 2 mg. of Ativan, but failed to account for the disposition of the Ativan in any hospital or patient record.

Patient G:

o. On or about March 30, 2006, at 0216 hours, Respondent signed out one (1) 5 mg. tablet of Ambien, but failed to account for the disposition of the Ambien in any hospital or patient record.

Patient H:

p. On or about February 17, 2006, at 2054 hours, Respondent signed out two (2) .5 mg. tablets of Ativan, but failed to account for the disposition of the Ativan in any hospital or patient record.

q. On or about February 17, 2006, at 2055 hours, Respondent signed out two (2) .25 mg. tablets of Xanax, but failed to account for the disposition of the Xanax in any hospital or patient record.

Patient I:

r. On or about March 1, 2006, at 2037 hours, Respondent signed out two (2) 5 mg. tablets of Lortab, but failed to account for the disposition of the Lortab in any hospital or patient record.

s. On or about March 1, 2006, at 2037 hours, Respondent signed out two (2) .5 mg. tablets of Ativan, but failed to account for the disposition of the Ativan in any hospital or patient record.

SECOND CAUSE FOR DISCIPLINE

(Gross Negligence)

17. Respondent is subject to discipline under Code section 2761(a), on the grounds of unprofessional conduct as defined in Code section 2761(a)(1), in that while employed as a registered nurse at Emerald Health Services (registry), and on assignment at Memorial Medical Center, located in Modesto, California, Respondent was grossly negligent in that she knowingly

and repeatedly failed to comply with Code section 2762(e), as more particularly set forth above in paragraph 16.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 650584, issued to Jennifer Lynn Cox;

2. Ordering Jennifer Lynn Cox to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 9/28/09

Louise R. Bailey

LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SA2009310747
Accusation (kdg) 7/26/09